REMARKS/ARGUMENTS

Claims 10-18 and 21 are pending.

Claim 16 was rejected under 35 U.S.C. § 112 because of the following informality the claim 16 does not have period at the end of the claim.

Claims 10-16 and 18-23 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by *Fisher et al.*, U.S. Patent No. 6,535,891.

Claim 17 was rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Fisher et al.* in view of *Selkirk et al.*, U.S. Publication No. 2002/0087544.

Claim 10 has been amended to incorporate the subject matter of dependent claims 19 and 20. Claims 19 and 20 have been canceled without prejudice or disclaimer.

Claims 22 and 23 have been canceled without prejudice or disclaimer.

A feature recited in claim 10 is that data blocks which comprise a file are placed on a storage device based on predetermined conditions. Claim 10 therefore operates on the constituent data blocks of a file and places the data blocks on different storage devices based on predetermined conditions.

Fisher et al. do not disclose or suggest placing the constituent data blocks of a file on different storage devices based on predetermined conditions. *Fisher et al.* describe storing entire files at different geographic locations; see, for example, column 14, lines 23-31.

Claim 10 recites that the predetermined conditions define information for a storage device that should place the data block. *Fisher et al.* do not show or suggest predetermined conditions that define information for a storage device that should place the data block. *Fisher et al.* operate at the file level and determine placement of entire files, not placement of constituent data blocks of a file. For example, *Fisher et al.* clearly describe that "the server can investigate the geographic origin of the access requests, and if it is determined that they are concentrated in a particular geographic area, the targeted logical object or file can be moved to a storage system and server that are geographically closer to the source of the frequent requests." *Col. 14, lines 26-31.* As understood, no where does *Fisher et al.* describe or

suggest predetermined conditions that define information for a storage device that should place the data block of a file.

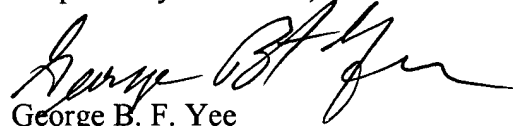For at least the foregoing reasons, the Section 102 rejection of the claims is believed to be overcome.

Selkirk et al. were cited for showing dynamically changing virtual mapping. However, *Selkirk et al.*, as understood, do not show placing the constituent data blocks of a file on different storage devices based on predetermined conditions. Therefore, *Selkirk et al.* in combination with *Fisher et al.* do not suggest the present invention as recited in the pending claims.

CONCLUSION

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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